

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WARELLUS A. JONES,
(PLAINTIFF),

vs.

STACY MILLER ET AL.,
(DEFENDANTS)

4: CV 19 1483
CIVIL ACTION #

JUDGE BRANN

FILED
WILLIAMSPORT

AUG 26 2019

PER

DEPUTY CLERK

COMPLAINT

I. JURISDICTION & VENUE

1) THIS IS A CIVIL ACTION PURSUANT TO 42 U.S.C. §§ 1983, 1985 & 1986 TO REDRESS THE DEPRIVATION UNDER COLOR OF LAW - STATE LAW - OF RIGHTS SECURED BY THE CONSTITUTION OF THESE UNITED STATES. THE COURT HAS JURISDICTION UNDER 28 U.S.C. §§ 1331 & 1343 (a) (3). PLAINTIFF SEEKS DECLARATORY RELIEF PURSUANT TO 28 U.S.C. §§ 2201 & 2202. PLAINTIFF'S CLAIMS FOR INJUNCTIVE RELIEF ARE AUTHORIZED BY 28 U.S.C. §§ 2283 & 2284 & FEDERAL RULES OF CIVIL PROCEDURE #65. THE COURT ALSO HAS SUPPLEMENTAL JURISDICTION OVER PLAINTIFF'S STATE LAW CLAIMS UNDER 28 U.S.C. § 1367.

2) THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA IS THE APPROPRIATE VENUE UNDER 28 U.S.C. § 1391 (b) (2) BECAUSE IT IS WHERE EVENTS GIVING RISE TO THIS COMPLAINT OCCURRED.

II. PLAINTIFF

3) MARCELLUS A. "JONES" IS & WAS @ ALL TIMES MENTIONED HEREIN THE PLAINTIFF & A PRISONER OF PENNSYLVANIA STATE IN THE CUSTODY OF THE PENNSYLVANIA DEPARTMENT OF CORRECTIONS ("Pa.DOC") JONES IS CURRENTLY CONFINED IN THE STATE CORRECTIONAL INSTITUTION @ SMITHFIELD IN HUNTINGDON COUNTY PA

III. DEFENDANTS

4) DEFENDANT / TORT FEASOR: STACY "MILLER", IS & WAS @ ALL TIMES MENTIONED THE PRISON RAPE ELIMINATION ACT "P.R.E.A" COORDINATOR @ THE STATE CORRECTIONAL INSTITUTION @ RETREAT "SOC. 1-RET";

5) DEFENDANT / TORT FEASOR; "GILBERT(?)" IS & WAS @ ALL TIMES MENTIONED A CORRECTIONS OFFICER WITH A RANKING OF LEVEL-2 (TWO) SERGEANT @ SOC. 1-RETREAT HE IS LEGALLY RESPONSIBLE FOR PRISONERS SAFETY @ SOC. 1-RET;

6) DEFENDANT / TORT FEASOR; "URBAN", IS & WAS @ ALL TIMES MENTIONED A CORRECTIONS OFFICER WITH A RANKING OF LEVEL-2 (TWO) SERGEANT @ SOC. 1-RET HE IS LEGALLY RESPONSIBLE FOR PRISONERS SAFETY @ SOC. 1-RET;

7) DEFENDANT / TORT FEASOR; "MARSLAND", IS & WAS @ ALL TIMES MENTIONED A CORRECTIONS OFFICER WITH A RANKING OF LEVEL-3 (THREE) LIEUTENANT @ SOC. 1-RET HE IS LEGALLY RESPONSIBLE FOR PRISONERS SAFETY @ SOC. 1-RET.

8) EACH DEFENDANT / TORT FEASOR IS BEING SUED IN HIS / HER INDIVIDUAL & OFFICIAL CAPACITIES @ ALL TIMES MENTIONED IN THIS COMPLAINT EACH DEFENDANT / TORT FEASOR ACTED UNDER COLOR OF STATE LAW.

IV. STATEMENT OF FACTS

- 9) ON AUG. 23, 2017 JONES WAS TRANSFERRED FROM S.C.I.-GREEN TO S.C.I.-RET IN ORDER FOR HIM TO ATTEND COURT TO CHALLENGE CRIMINAL CHARGES BROUGHT AGAINST HIM BY S.C.I.-RET STAFF.
 - 10) WHEN JONES WAS LAST @ S.C.I.-RET SPECIFICALLY ON 6/29/16 BETWEEN 5^{PM} - 6^{PM} THE S.C.I.-RET CCTV FOOTAGE WILL SHOW URBAN STOP @ THE CELL JONES WAS IN & MAKE INAPPROPRIATE SEXUAL ADVANCES & AGAIN ON JULY 21, 2016 CCTV FOOTAGE WILL SHOW URBAN MAKING SEXUAL ADVANCES TOWARDS JONES @ THE CELL HE WAS IN.
 - 11) ON VARIOUS DATES INCLUDING BUT NOT LIMITED TO: JULY 12, 2016; JULY 15, 2016 & JULY 21, 2016 JONES SPOKE TO S.C.I.-RET'S P.R.E.A COORDINATOR MILLER ABOUT URBAN'S UNWANTED HOMOSEXUAL ADVANCES & NOTHING WAS DONE BY MILLER TO PREVENT URBAN FROM SEXUALLY ASSAULTING JONES.
- * * * JUDICIAL NOTICE * * *
- ON JUNE 29, 2016 - INTER ALIA - JONES SENT COMPLAINTS ABOUT URBAN'S VIOLATION OF P.R.E.A LAWS TO THE PENNSYLVANIA STATE POLICE FOR HELP.
- 12) ON AUG. 23, 2017 WHEN JONES ARRIVED @ S.C.I.-RET FOR COURT URBAN GILBERT & MARSLAND TOOK JONES INTO THE S.C.I.-RET STRIP SEARCH AREA/ROOM WHICH IS SUPPOSEDLY VISUALLY & AUDIBLY MONITORED TO ENSURE EVERYONE'S SAFETY.
 - 13) AFTER URBAN & GILBERT ORDERED JONES OUT OF THE CELL HE WAS IN MARSLAND URBAN & GILBERT ESCORTED JONES IN THE ISOLATED/SECLUDED STRIP ROOM WHERE JONES WAS ROUGHLY/AGGRESSIVELY GRABBED/RESTRAINED BY MARSLAND & GILBERT AS URBAN BEGAN TO STROKE, PULL, FONDLE & MASTERBATE JONES' PHALLUS.
 - 14) AS JONES FOUGHT TO BREAK FREE FROM THERE FORCED PRISON RAPE URBAN BEGAN TO TWIST, TUG & PULL JONES' PENIS HARDER IN AN ATTEMPT TO CASTRATE JONES WITH HIS BARE HANDS BECAUSE JONES WOULD NOT ENGAGE IN SEX ACTS NOR ACCEPT THEIR UNWANTED SEXUAL ASSAULT.

15) BECAUSE MILLER FAILED TO TAKE ACTION AFTER HAVING MULTIPLE WARNINGS FROM JONES THAT URBAN WAS MAKING CONSTANT INAPPROPRIATE HOMOSEXUAL ADVANCES TOWARDS HIM BY REFUSING TO ACT ON JONES' BEHALF MILLER'S MALICIOUS DELIBERATE INDIFFERENCE ENABLED S.O.C.I.-RET'S LOWER RANKED STAFF: URBAN, GILBERT & MARSLAND TO SEXUALLY VIOLATE JONES. CAUSING JONES SWELLING EXTREME INJURIES TO HIS GROIN AREA.

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JUDICIAL NOTICE

JONES WAS SEEN BY THE S.O.C.I.-RET DOCTOR WHO DIAGNOSED JONES' INJURIES & PRESCRIBED HIM MEDICATIONS TO RELIEVE THE PAIN CAUSED BY URBAN GILBERT & MARSLAND THIS EXAMINATION BY THE S.O.C.I.-RET DOCTOR TOOK PLACE ON AUG. 24, 2017

V. CAUSE OF ACTION

16) JONES ASSERTS THAT "BUT FOR" MILLER'S ACTS & OMISSIONS OF DELIBERATE INDIFFERENCE THE SEXUAL ABUSE OF AUG. 23, 2017 WOULD NEVER HAVE OCCURRED NOR WOULD URBAN HAVE BEEN ENABLED & ALLOWED FREE REIGN TO SCHEME & ORCHESTRATE A PRISON RAPE WITH HIS CO-CONSPIRATORS GILBERT & MARSLAND

17) JONES WAS CLEARLY SUBJECTED TO EIGHTH AMENDMENT VIOLATIONS WHEN HE WAS A VICTIM OF SEXUAL ASSAULT BY URBAN, GILBERT & MARSLAND MOREOVER JONES CONTENDS THAT ALL OF THE DEFENDANTS FAILED TO PROTECT HIM SINCE EACH DEFENDANT TORT FEASOR HAD THE CHANCE TO ACT TO PREVENT JONES FROM BEING VICTIMIZED BY URBAN, GILBERT & MARSLAND.

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VI. LEGAL CLAIMS

JONES RE-ALLEGES & INCORPORATES PARAGRAPHS #4-17

- 18) CRUEL & UNUSUAL PUNISHMENT - WHEREAS THE DEFENDANTS TORTFEASORS MENTIONED FOREGOINGLY THRU-OUT PARAGRAPHS #4-17 KNEW THAT THEIR ACTS & OMISSIONS WOULD HAVE &/OR AMOUNT TO LEGAL RAMIFICATIONS CONSEQUENCES WHEN THEY SUBJECTED JONES TO DELIBERATE INDIFFERENCE / MALICIOUS / INHUMANE TREATMENT
- 19) DENIAL OF ACCESS TO COURT - WHEREAS THE DEFENDANTS TORTFEASORS MENTIONED FOREGOINGLY THRU-OUT PARAGRAPHS #4-17 KNEW THAT THEIR ACTS & OMISSIONS WOULD HAVE LEGAL RAMIFICATIONS CONSEQUENCES WHEN THESE DEFENDANTS TORTFEASORS SUBJECTED JONES TO MALICIOUS ABUSES AS WELL AS PREVENTING HIM FROM FILING PETITIONS IN THE COURTS
- 20) VIOLATION OF DUE PROCESS - WHEREAS THE DEFENDANTS TORTFEASORS MENTIONED FOREGOINGLY THRU-OUT PARAGRAPHS #4-17 KNEW THAT THEIR ACTS & OMISSIONS WOULD HAVE LEGAL RAMIFICATIONS CONSEQUENCES WHEN THEY SUBJECTED JONES TO DENIAL OF HIS RIGHTS TO DUE PROCESS
- 21) PA STATE LAW DEFAMATION - WHEREAS THE DEFENDANTS TORTFEASORS MENTIONED FOREGOINGLY THRU-OUT PARAGRAPHS #4-17 KNEW THAT THEIR ACTS & OMISSIONS WOULD HAVE LEGAL RAMIFICATIONS CONSEQUENCES WHEN THEY SUBJECTED JONES TO DEFAMING SLANDEROUS STATEMENTS WITHIN THE COMMONWEALTH COURTS
- 22) PA STATE LAW INTENTIONAL & CONVERSION TORTS - WHEREAS THE DEFENDANTS TORTFEASORS MENTIONED FOREGOINGLY THRU-OUT PARAGRAPHS #4-17 KNEW THAT THEIR ACTS & OMISSIONS WOULD HAVE LEGAL RAMIFICATIONS CONSEQUENCES WHEN THEY VIOLATED JONES' STATE LAW RIGHTS PER 42 PA C.S.A. §§ 8545 - 8550;
- 23) PA STATE LAW PECULIAR RISK & SUPERIOR KNOWLEDGE TORTS - WHEREAS THE DEFENDANTS TORTS MENTIONED FOREGOINGLY THRU-OUT PARAGRAPHS #4-17 KNEW THAT THEIR ACTS & OMISSIONS WOULD HAVE LEGAL RAMIFICATIONS CONSEQUENCES WHEN THEY VIOLATED BY HAVING ACTUAL KNOWLEDGE OF UNNECESSARY RISKS TO JONES YET DID NOTHING TO ALLEVIATE SAID RISKS.
- 24) MR JONES HAS NO ADEQUATE OR COMPLETE REMEDY @ LAW TO REDRESS THE WRONGS DESCRIBED HEREIN JONES HAS BEEN & WILL CONTINUE TO BE IRREPARABLY INJURED BY THE CONDUCT OF THE DEFENDANTS UNLESS THE COURTS GRANT THE DECLARATORY & INJUNCTIVE RELIEF WHICH JONES SEEKS.

* * * * PRAYER FOR RELIEF * * * *

- 25) WHEREFORE JONES RESPECTFULLY REQUESTS THAT THIS COURT ENTERS JUDGMENT GRANTING HIM;
- 26) A DECLARATION THAT THE ACTS & OMISSIONS DESCRIBED HEREIN VIOLATED HIS RIGHTS UNDER THE CONSTITUTION & LAWS OF THESE UNITED STATES;
- 27) A DECLARATION THAT THE ACTS & OMISSIONS DESCRIBED HEREIN VIOLATED HIS RIGHTS UNDER PENNSYLVANIA STATE LAWS;
- 28) A PRELIMINARY & /or PERMANENT INJUNCTION & DECLARATION ORDERING THAT JONES BE SEPERATED FROM URBAN MARSLAND & GILBERT;
- 29) COMPENSATORY DAMAGES IN THE AMOUNT OF \$ 450,000 AGAINST EACH DEFENDANT JOINTLY & SEVERALLY;
- 30) PUNITIVE DAMAGES IN THE AMOUNT OF \$ 95,000 AGAINST EACH DEFENDANT;
- 31) A JURY TRIAL ON ALL ISSUES TRIABLE BY JURY;
- 32) JONES' COST IN THIS SUIT;
- 33) ANY ADDITIONAL RELIEF THIS COURT DEEMS JUST PROPER & EQUITABLE

VERIFICATION

I HAVE READ THE FOREGOING COMPLAINT & DO HEREBY VERIFY THAT THE MATTERS ALLEGED ARE TRUE & CORRECT EXCEPT AS TO MATTERS THAT ARE ALLEGED UPON INFORMATION & BELIEF & AS TO THOSE I BELIEVE THEM TO BE TRUE & CORRECT

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NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES YOU MUST TAKE ACTION WITHIN 20 (TWENTY) DAYS AFTER THIS COMPLAINT & NOTICE ARE SERVED BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY AN ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER @ ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER THIS OFFICE MAY BE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS @ A REDUCED OR NO FEE.

FEDERAL DEFENDER

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